

STATE OF MINNESOTA

FILED

DISTRICT COURT

COUNTY OF SCOTT

NOV 20 2009 A
SCOTT COUNTY COURTS

FIRST JUDICIAL DISTRICT
Case Type: Mechanic's Lien Foreclosure

In re M.W. Johnson Construction, Inc.
Mechanic's Lien Foreclosure Litigation

Consolidated Master Court File: 70-CV-09-7343

Judge: Jerome B. Abrams

Stewart Plumbing, Inc.,

Scott County Court File: 70-CV-08-15902

Plaintiff,

**STIPULATION OF PARTIAL DISMISSAL
WITH PREJUDICE;**

vs.

**ORDER FOR PARTIAL DISMISSAL WITH
PREJUDICE AND PARTIAL JUDGMENT**

William H. Bursott and Rosemarie
Bursott, Mortgage Electronic
Registration Systems, Inc., AmTrust
Bank, FSB, TJ's Group of MN, d/b/a
TJ's Landscaping, XYZ Corporation,
ABC Partnership, John Doe and Mary
Roe,

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants William H. Bursott, Rosemarie Bursott (the "Bursotts") and Mortgage Electronic Registration Systems, Inc., by and through their undersigned attorneys, as follows:

1. Count I of Stewart's Complaint for unjust enrichment claim against the Bursotts shall be dismissed with prejudice and on the merits and without an award of costs, disbursements or attorney's fees to any party.

2. Any party to this Stipulation without prior notice to any other party may cause an order for partial judgment to be entered herein.

CHRISTENSEN & LAUE, P.A.

Dated: October 14, 2009

By: 

Susanne M. Glasser (#0272978)

5101 Vernon Avenue South, Suite 400

Edina, Minnesota 55436

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Attorney for Plaintiff Stewart Plumbing, Inc.

COLEMAN, HULL & VAN VLIET, PLLP

Dated: October 14, 2009

By: 

Katherine M. Melander (#180464)

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Attorneys for Defendants

William H. Bursott, Rosemarie Bursott and

Mortgage Electronic Registration Systems, Inc.

ORDER FOR PARTIAL DISMISSAL WITH PREJUDICE AND PARTIAL JUDGMENT

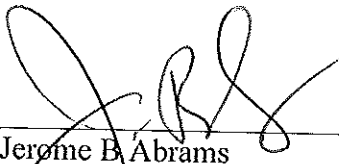
Pursuant to the foregoing Stipulation of Partial Dismissal entered into by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants William H. Bursott, Rosemarie Bursott (the "Bursotts") and Mortgage Electronic Registration Systems, Inc., by and through their attorneys, the Court makes the following **ORDER**:

1. The parties' Stipulation of Partial Dismissal with Prejudice is hereby approved in all respects.
2. Count I of Stewart's Complaint against the Bursotts for unjust enrichment is hereby dismissed **WITH PREJUDICE**, on the merits and without an award of costs, disbursements or attorneys' fees to any party.

THERE BEING NO JUST REASON FOR DELAY, LET PARTIAL JUDGMENT BE ENTERED FORTHWITH.

BY THE COURT:

Dated: Nov 19, 2009



Jerome B. Abrams
Judge of District Court
Consolidated Master Court File No. 70-CV-09-7343
Court File No. 70-CV-08-15902

JUDGMENT

I DO HEREBY CERTIFY THAT THE FOREGOING ORDER
CONSTITUTES THE JUDGMENT OF THIS COURT.

DATE 11-20-09
GREGORY M. ESS
COURT ADMINISTRATOR, SCOTT COUNTY, MINN.

DEPUTY Audrey K Brown